

MESSAGE NO: 8210204 MESSAGE DATE: 07/28/2008

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4344201
MESSAGE #
(s):

CASE #(s): A-570-886

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/26/2004 TO 07/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTION FOR POLYETHYLENE RETAIL CARRIER BAGS FROM
CHINA EXPORTED UNDER THE PRC-WIDE CASE NUMBER (A-570-886-000)

MESSAGE NO: 8210204

DATE: 07 28 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 4344201

REFERENCE DATE: 12 09 2004

CASES: A - 570 - 886

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PERIOD COVERED: 01 26 2004 TO 07 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR POLYETHYLENE RETAIL CARRIER
BAGS FROM CHINA EXPORTED UNDER THE PRC-WIDE CASE NUMBER
(A-570-886-000)

1. FOR ALL SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM
THE PEOPLE'S REPUBLIC OF CHINA (PRC) EXPORTED BY THE PRC-WIDE
ENTITY (A-570-886-000), ENTERED OR WITHDRAWN FROM WAREHOUSE FOR
CONSUMPTION, DURING THE PERIOD 01/26/2004 THROUGH 07/23/2004,
AND ALSO DURING THE PERIOD 08/06/2004 THROUGH 07/31/2005,
ASSESS AN ANTIDUMPING DUTY LIABILITY OF 77.57 PERCENT OF THE
ENTERED VALUE.

2. THE DEPARTMENT OF COMMERCE (COMMERCE) INSTRUCTED U.S.

CUSTOMS AND BORDER PROTECTION (CBP) TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE PRC ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD FROM 07/24/2004 THROUGH 08/5/2004, AND TO RELEASE ANY BOND OR OTHER SECURITY AND REFUND ANY CASH DEPOSIT, IN LIQUIDATION MESSAGE NUMBER 4344201, DATED 12/09/2004.

3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 01/26/2004 THROUGH 07/23/2004, AND ALSO THE PERIOD 08/06/2004 THROUGH 07/31/2005, OCCURRED WITH THE PUBLICATION OF THE AMENDED FINAL RESULTS OF ADMINISTRATIVE REVIEW (72 FR 26336) ON 05/09/2007. FOR ALL OTHER SHIPMENTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE PRC YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT

STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO THE FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O8: CR).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party